IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7321 OF 2004

1. Kisan Raghunath Sawant & Anr. .. Petitioners.

Vs

Smt.Phulabai Kashinath Sawant, .. Respondent

Mr P.B.Shah, for the petitioners.

Mr M.N.Dhamal, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 11th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The petitioners have taken exception to the judgment and order dated 21.7.2004 passed by the learned Addl. District Judge, Satara, by which Misc. Civil Appeal No.3 of 2004 filed by the respondent-plaintiff has been allowed and the respondent is allowed to install the electric motor on the well in dispute. The respondent claims half share in the well water. There is no dispute that the petitioner draws water from the said well with the help of electric motor.

3. I perused the impugned judgment. It prima facie

shows that the respondent has one-half share in the well water. Mr Shah, learned counsel for the petitioners, submits that there is no material on record to show that she was fetching water from the disputed well earlier. He further submitted that the respondent has not paid the amount as claimed by the petitioner. If the petitioner fatches water from the said well by using electric motor, according to Mr Dhamal, learned counsel for the respondent, the respondent is also entitled to draw water by using electric motor. keeping in view the reasons recorded by the Appellate Court and considering that there is sufficient material on record to sustain those findings, this is not a fit case to exercise extremely limited jurisdiction of this Court under Article 227 of the Constitution of India to disturb the findings of fact. The writ petition, therefore, fails and is dismissed as such.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)